

FEB 22 2007

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE,

CONSENT ORDER

COOPERATIVE MUTUAL INSURANCE
COMPANY,

CAUSE NO. C-1618

RESPONDENT.

JURISDICTION

- ## STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Cooperative Mutual Insurance Company, Cause Number C-1618 on January 10, 2007. A copy of the petition was served upon the Respondent, at the Respondent's address registered with the Department by certified mail, return receipt requested.

2. The petition alleges that Respondent violated Neb. Rev. Stat. §§ 44-1524, 44-1525(11), 44-1539, 44-1540(1) and Title 210 NAC Ch. 60 §§ 006.02 and 008.08, as a result of the following conduct:

- a. On June 23, 2006, the Nebraska Department of Insurance received a complaint from Gloria Uhing who claimed she was injured at the insured's place of business when the wind blew a door and struck her knee causing an alleged injury. Respondent denied Uhing's claim and a subsequent complaint was filed with the Nebraska Department of Insurance.
- b. On or about June 30, 2006, Karen Dyke, an insurance investigator with the Nebraska Department of Insurance, sent Respondent a letter requesting several items including a copy of the insurance policy and all correspondence notes between Uhing and Respondent. In Respondent's response of July 6, 2006, Respondent failed to attach a copy of the policy.
- c. On July 14, 2006, Respondent provided a copy of the policy. The policy revealed a medical payment section, which provided coverage for bodily injury regardless of fault. The papers submitted by Respondent indicated that this clause was never invoked nor was Uhing informed on this clause until after the Department of Insurance became involved in the investigation.
- d. On July 28, 2006, Dyke asked Respondent why, after the claim was denied, Uhing was not informed of her right under Title 210 NAC Ch. 60 §008.08, that she could have the matter reviewed by the Nebraska Department of Insurance. Respondent wrote back on August 9, 2006 to Dyke, but failed to answer the question. On August 17, 2006, Dyke once again wrote to Respondent regarding this issue and, once again, on August 30, 2006 Respondent responded but failed to answer this question.

3. Respondent was informed of the right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving its right to a public hearing, Respondent also waives its right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondent admits that it violated §§ 44-1524, 44-1525 (11), 44-1539, 44-1540(1) and Title 210 NAC Ch. 60 §§ 006.02 and 008.08.

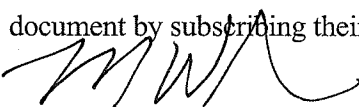
CONCLUSIONS OF LAW

The conduct of Respondent, as alleged above, constitutes violations of §§ 44-1524, 44-1525(11), 44-1539, 44-1540(1) and Title 210 NAC Ch. 60 §§ 006.02 and 008.08.

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent, that Respondent shall pay an administrative fine in the amount of two thousand dollars (\$2,000). The Respondent has thirty days from the date of approval of this consent order by the Nebraska Director of Insurance to pay the two thousand dollar fine. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling the Department to make application for such further orders as may be necessary.

In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing their signatures below.



Martin W. Swanson, #20795
Department of Insurance
941 "O" Street, Suite 400
Lincoln, Nebraska 68508
(402) 471-2201

26 JANUARY 07

Date



Cooperative Mutual Insurance Company

January 25, 2007
Date

State of

Nebraska

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County of

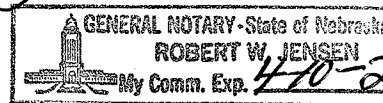
Douglas

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ss.

On this 25 day of January, 2007, Cooperative Mutual Insurance Company personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.

Robert W. Jensen
Notary Public



CERTIFICATE OF ADOPTION

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Cooperative Mutual Insurance Company, Cause No. C-1618.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



L. TIM WAGNER
Director of Insurance

2/13/07
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent at Cooperative Mutual Insurance Company, 3905 South 148th Street, Suite 100, Omaha, Nebraska 68144, by certified mail, return receipt requested on this 13th day of February 2007.

